

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
September 18, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Craig Doolittle, County Sheriff; Marga Lincoln, *Helena Independent Record*; Jan Anderson, *Boulder Monitor/ Jefferson County Courier*; Joe Schmaus

CALENDAR REVIEW

9/19 JLDC Annual dinner – Boulder – 6:00
9/20 MTAG – 5:00
9/24-9/27 MACo Annual Conference – Great Falls

COMMISSION REPORTS

HEADWATERS RC&D

Commissioner Weber reported on the Headwaters SBDC retreat held in Big Sky the previous week. One of the major topics of discussion was the DVD “Pathway to Eden”, which gives new Montana landowners an idea of what it means to be a “Montanan”.

TOWN HALL MEETING WITH DENNY REHBERG

Commissioner Weber reported that 30-40 people were at the town hall meeting with Denny Rehberg in Whitehall. He talked to him regarding the Elkhorn Cemetery and the Bernice project, both of which Denny was aware of. He also spoke to him about the CREBs project. Commissioner Lythgoe stated that we did get a 60-day extension for the Bernice project, and asked if Denny will be able to mitigate this during that time. Commissioner Weber answered that he is working on it. Commissioner Lythgoe stated that we should probably have a meet and greet on that. Commissioner Weber stated that Joe Carter is working with Great West and the EPA on this. It might be a good idea to bring the Forest Service and Job Corps in for a meeting too. Commissioner Notbohm asked if Matt Johnson is working to get information from Job Corps and the Forest Service. Commissioner Weber stated that he did send Freedom of Information Act requests to both parties, and was basically blown off. Marga Lincoln asked for

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more information, and a background was given.

ELKHORN GOLDFIELDS CITIZEN ADVISORY GROUP

Commissioner Lythgoe reported that he attended the first meeting for the Elkhorn Goldfields citizen group advisory committee. The group hasn't come up with an official name yet. It was a good meeting. They are still looking for more members, hopefully from FWP and the affected school district. The main topic of discussion was the road project. Commissioner Lythgoe noted that two committee members live in Elkhorn full-time.

ELKHORN WORKING GROUP

Commissioner Lythgoe reported that he attended the Elkhorn Working Group meeting on Thursday. They dealt with general business.

SOUTH HILLS RID PROJECT

Commissioner Lythgoe stated that the only thing of significance he has to report is the work being done on the RID on South Hills and Holmes Gulch. They did their first round of chip sealing on South Hills Road and Holmes Gulch on Friday and Saturday. They will be sweeping today, and plan to do the second round of chip sealing later this week. They don't plan to put down the asphalt on South Hills Drive until next week.

FIRE DANGER

Commissioner Notbohm stated that he was out looking around this weekend. It is really dry out there.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Harold Stepper, County Planner, stated that Resolution 34-2007 is on the agenda today, but they cannot legally act on it today, as it must be advertised for two weeks. The resolution is on the October 2nd agenda.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL – LARSON MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report for this four lot subdivision 1 mile from Whitehall. The parcel contains 5.02 acres, proposed to be divided into four lots ranging in size from 1.20 to 1.34 acres. No new roads are proposed for the subdivision, and Joe Carter has approved the approaches. The developer has opted for a cash-in-lieu payment to the fire department. Mike recommended that final plat approval be granted. Commissioner Notbohm asked for the amount of the cash-in-lieu payment. Mike stated that he doesn't have the exact figures, but standard is \$855 per five acres, and is prorated depending on lot size. Commissioner Lythgoe noted that a level one septic permit is required, and asked when a level two system comes into play; is this a decision the Sanitarian makes. Mike stated that they encourage level two, but it is quite a bit more money. Harold Stepper stated that what normally triggers the level

two type of system is high ground water and porous soils. These systems are also easier to get through DEQ. Commissioner Notbohm asked if level two systems have to be monitored a lot more and have someone service them. Mike stated that a level 2 system costs more to install, but this can be passed on to the purchaser of the lot. They have to be serviced more frequently than level 1 systems.

Commissioner Lythgoe moved to grant final plat approval to the Larson Minor subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RESOLUTION 33-2007 ADOPT FINAL BUDGET AND FIX TAX LEVIES

Commissioner Weber read the resolution as follows:

RESOLUTION 33-2007

ADOPT FINAL BUDGET AND

FIX TAX LEVIES FOR JEFFERSON COUNTY FISCAL YEAR 2007-2008

WHEREAS, the Board of County Commissioners of Jefferson County, Montana, has compiled and reviewed the proposed budgets for fiscal year 2007-2008 as required by law; and,

WHEREAS, the value of a mill has been determined as \$21,712 county-wide and a value of \$19,830 outside the city limits, with other values as stated and certified by the Department of Revenue of the State of Montana,

NOW, THEREFORE, BE IT RESOLVED that the final budgets for fiscal year 2007-2008, which budget document is on file in the Clerk and Recorder's office, is approved and adopted and is, by this reference, incorporated herein; and

BE IT FURTHER RESOLVED that the Board does hereby fix the following levies to fund said budgets:

GENERAL	22.94
ROAD	16.86
BRIDGE	0.00
WEED	5.23

FAIR	0.40
DISTRICT COURT	4.49
LIBRARY	12.61
PLANNING BOARD	1.65
HEALTH AND SANITATION	6.28
SENIOR CITIZENS	1.99
COUNTY AGENT	2.88
PUBLIC SAFETY	51.97
MUSEUM	0.54
EMPLOYEE GROUP HEALTH	10.77
ENTITLEMENT LEVY	3.53
SEARCH AND RESCUE	0.00

SPECIAL DISTRICT LEVIES

MOSQUITO #1 - BOULDER	2.41
MOSQUITO #2 - BOULDER VALLEY	9.97
MOSQUITO #3 - WHITEHALL	7.97
JEFFERSON VALLEY RURAL FIRE	15.02
MONTANA CITY FIRE	30.05
JEFFERSON CITY FIRE	21.63
BASIN FIRE	43.29
BULL MOUNTAIN FIRE	27.81
ELK PARK RURAL FIRE	38.90
WILLOW CREEK FIRE	
JEFFERSON VALLEY SOIL & WATER	1.59
BASIN WATER & SEWER	346.91
BASIN IMPROVEMENTS	12.16

CITY LEVIES

TOWN OF BOULDER	173.57
TOWN OF WHITEHALL	

SCHOOL LEVIES

CLANCY #1	159.36
#1-A	123.69
WHITEHALL #4	91.78
BASIN #5	35.99
BOULDER #7	199.97
CARDWELL #16	32.90
WILLOW CREEK #1	89.85
THREE FORKS #26	82.17
MONTANA CITY #27	170.77
MONTANA CITY #27-B	52.31
JEFFERSON HIGH SCHOOL #1	52.31
WHITEHALL HIGH SCHOOL #2	37.47

COUNTY LEVIES

COUNTY GENERAL HIGH SCHOOL	22.00
COUNTY GENERAL ELEMENTARY	33.00
TRANSPORTATION	6.29
ELEMENTARY RETIREMENT	23.41
HIGH SCHOOL RETIREMENT	13.98

SPECIAL ASSESSMENT DISTRICTS

SHEEP PREDATORY ANIMAL (per animal)	\$.60
CLANCY FIRE SERVICE AREA	\$ 55.00
BASIN TV	\$ 20.00
BOULDER TV	\$ 8.00
BOULDER TV-COMMERCIAL	\$ 15.00

WHITEHALL TV	\$ 15.00
SOLID WASTE	\$129.69
LIME KILN RD IMPROVEMENT DIST	\$350.00

BE IT FURTHER RESOLVED that an additional, annual assessment, as provided for in §7-22-2432, MCA, and as approved by the voters of the district on June 2, 1992, is hereby imposed upon the owners of structures and properties within the Boulder Mosquito District #1, as follows:

- (a) \$20.00 per single-unit dwelling;
- (b) \$20.00 per unit in a duplex dwelling;
- (c) \$ 5.00 per unit in a multi-unit dwelling (other than a duplex);
- (d) \$75.00 per commercial establishment;
- (e) \$50.00 on each irrigated parcel of property that does not contain a dwelling;
- (f) \$15.00 on each non-irrigated parcel of property that does not contain a dwelling.

WHEREAS, §7-6-4031, MCA makes provision for the authorization of a designated official to transfer appropriations between items within the same fund; and

WHEREAS, §7-6-4006 (3), MCA makes provision for appropriation adjustments,

NOW, THEREFORE, BE IT RESOLVED that the Clerk and Recorder be designated to make budget transfers and adjustments with the approval of the governing body, and shall submit at minimum quarterly recommended budget transfers and adjustments.

DATED this 18th day of September, effective for Fiscal Year 2007-2008.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Lythgoe moved to adopt Resolution 33-2007, adopting the final budget and fix tax levies. Commissioner Weber seconded. Commissioner Notbohm stated that he doesn't support the budget, inasmuch as he feels that we are overextending ourselves with the budget. As a county entity, we are not allowed deficit spending, which we aren't doing, but we are close. He feels that we should be sitting here making cuts of 10 to 15%. Our PILT funds are very low. The last two budget sessions we have taken our reserves down, to where we are at 20% currently. At the present rate, unless some good funding comes up, our PILT will be down to maybe \$50-60,000. For those reasons, he doesn't support this budget nor can he sign it. The motion carried, with Commissioners Weber and Lythgoe voting aye and Commissioner Notbohm voting nay.

DISCUSS AND DECIDE ON LAND SWAP WITH WAGNERS CONSIDERING NEW APPRAISAL

Commissioner Weber stated that we still don't have the new appraisal. Bruce Wagner stated that he was out with the appraiser today, and he will have the appraisal in by the end of the week. Commissioner Weber stated that he is not sure that we should have a discussion.

Commissioner Lythgoe moved that the Commission enter into buy-sell with Wagners for the property and consider this land swap, and that we do so considering the two appraisals and take the appraisal on our land that shows the most value. Commissioner Weber seconded. Commissioner Notbohm stated in regards to that, the fact of the matter is that it is hard to make a

motion like that without the appraisal. Another matter to discuss is the inspection. He has thoroughly reviewed it, is pretty detailed, and in all fairness to the county, the other Commissioners need to thoroughly review it. He said that the building could cost \$50,000 to \$100,000 to fix, based on the inspection. Commissioner Weber asked Commissioner Notbohm who this quote came from. Commissioner Notbohm stated that if you look at what needs to be done, need to have to get a bid of what it would take to make the corrections. Commissioner Lythgoe stated that he has looked at the inspection document twice, and he did not find anything that, from his perspective, would cost anything near that. The items listed were fairly minor. He spoke with Matt Johnson and asked his opinion, and he didn't see anything that made him nervous or felt would cost a lot. He is not real concerned with the items he saw in the inspection. He thinks that the motion is appropriate, especially if they are going to use the highest value that comes in on the property. Bruce Wagner stated that he appreciates this, but he wouldn't sign a buy-sell without knowing the value. Commissioner Weber stated that in the essence of fairness, Bruce should take a look at the document. As a homeowner, there are things in there that he would fix before selling, and that are cheap and rapid fixes. Commissioner Weber stated that his hesitation is that we don't have the new appraisal. We already have a buy-sell agreement contingent to a new appraisal, nothing has been signed, but the motion was made.

Bruce stated that another thing he would like to address is that there were some things that he has not completed yet in remodeling the house. When they remodeled, they were required to have an ADA inspection, which they passed. The only thing out of compliance was two inches between the toilet and cabinet, which they received a waiver for. Commissioner Weber stated that one

item in the inspection was the central air being vented into the crawl space area under the house instead of the sewer. Commissioner Notbohm stated that regarding the ADA, it may have been fine for Bruce, but it is different for the County. We are held to a different standard. Bruce asked for examples. Commissioner Notbohm stated that ADA tried to have us revamp

the courthouse, but the existing facilities were finally grandfathered in.

Commissioner Notbohm stated that the main thing with this building is the roof and weight loads, and the plumbing. There is no crawlspace access. Bruce stated that there is no crawl space under the old house; there is a crawl space under the new addition. Commissioner Notbohm stated that the big issue is the roof and the weight limit. When the new roof was put on, there is some sag in it, because the two layers old shingles weren't taken off. Insulation isn't adequate, nor is ventilation. Commissioner Weber suggested that Bruce read the document.

Commissioner Weber restated the motion on the floor, that the Commission enter into a buy-sell, based on the highest appraisal of our land. Commissioner Lythgoe stated that the reason he made the motion was that the Wagners are getting tired of being put off. After hearing Bruce's comments however, he would withdraw his motion. Commissioner Weber stated that they can just act on the motion on the floor. The motion failed.

SIGN AGREEMENT BETWEEN SHERIFF'S OFFICE AND TOWN OF WHITEHALL FOR LAW ENFORCEMENT SERVICES

Craig Doolittle, County Sheriff, presented two copies of the contract for services which has already been signed by the Town of Whitehall. This is basically a three-year contract, to be done one year at a time. They will be enforcing town of Whitehall ordinances. Commissioner Weber stated that they will be hiring a position that must live in the Whitehall area. Craig stated that this is correct. Commissioner Lythgoe asked if they are increasing staff to fill this, or filling vacancies. Craig stated that he will be filling two vacancies and adding one staff for this 8-hours-per-day position. Commissioner Weber stated that it is his understanding that three options were offered. Craig stated that the Town of Whitehall was offered 8, 12, and 16 hours per day options, and they decided to go with the 8. Commissioner Notbohm stated that he hopes they are aware that costs may go up as time goes by. Craig stated that the contract allows for cost adjustments prior to yearly contract renewal.

Commissioner Lythgoe moved to authorize Commissioner Weber to sign the agreement between Jefferson County and the Town of Whitehall for law enforcement services. Commissioner Weber seconded. The motion carried.

DISCUSS AND DECIDE ON CO-HOSTING 2009 MACo CONFERENCE

Commissioner Weber stated that we received a letter from Lewis and Clark County asking if we

are interested in co-hosting the 2009 MACo convention. This entails mostly finding sponsors and exhibitors, as well as entertainment, speakers and spouse tours. Commissioner Lythgoe stated that he thinks that we have many local businesses that already sponsor and/or are vendors at all of the MACo conferences. We already have a pretty good list started in the area. The

challenge for us would be to find some that haven't been either a sponsor or vendor in the past. He is supportive. Commissioner Weber moved that we agree to be co-hosts of the 2009 convention with Lewis and Clark and Broadwater Counties. The motion carried.

RESOLUTION 34-2007 RESOLUTION TO TRANSFER DEDICATED PARK GROUND TO THE MONTANA CITY RANCHES COMMERCIAL SUBDIVISION

This item has been moved to the October 2nd agenda.

SIGN BOYD ANDREW CONTRACT FOR SERVICES

Commissioner Weber read a letter presented with the contract noting that due to a change in personnel, the contract for the alcohol tax was not sent out in June. Commissioner Notbohm stated that usually in June, they present us with quarterly reports, as well as the contract. Mike Ruppert usually came down to present them. Commissioner Weber asked Commissioner Notbohm if he is requesting that Mike be invited to a Commission meeting. Commissioner Notbohm stated that he is.

Commissioner Notbohm moved to enter into the agreement for services with Boyd Andrew. Commissioner Lythgoe seconded. The motion carried.

CANCEL MEETING OF SEPTEMBER 25TH DUE TO MACo CONFERENCE

Commissioner Lythgoe moved to cancel the meeting of September 25th. Commissioner Weber seconded. The motion carried.

RESOLUTION 35-2007 DESIGNATING CLASS OF COUNTY

Commissioner Weber read the resolution as follows:

RESOLUTION 35-2007

DESIGNATING CLASS OF COUNTY

WHEREAS, § 7-1-2112, MCA, states that the Board of County Commissioners must yearly make an order designating the class to which the county belongs, as determined by the taxable valuation; and

WHEREAS, § 7-1-2111 (c), MCA, states that all counties having a taxable valuation of \$20 million or more and less than \$30 million are third class counties; and

WHEREAS, the taxable valuation for Jefferson County for fiscal year 2007 is \$21,712,539;

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of County

Commissioners hereby designate Jefferson County as third class county.

DATED this 18th day of September, 2007.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Lythgoe moved to adopt resolution 35-2007. Commissioner Notbohm seconded. The motion carried.

APPOINT BOARD MEMBERS

Commissioner Weber stated that we have one application for the Solid Waste Board, from Bob Gleich. Commissioner Weber moved to appoint Bob Gleich. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON PILT REQUEST FOR PURCHASE OF SNOW PLOW TRUCK FOR BOULDER DISTRICT

Commissioner Lythgoe stated that he spoke with Joe Carter earlier in the day, and neither of those businesses that he contacted has submitted any kind of bid. Neither had the equipment requested, but they were going to try to come up with something. Commissioner Lythgoe then heard from Joe Carter during the meeting. Joe had just gotten a call from Northwest Trucking in Great Falls, and they didn't even know how to quote a price for this type of truck. We have gotten three other trucks from Jefferson County, Colorado for about \$29,000 each. They now have one available for \$25,500. Joe has said that it is better to have all the trucks in the fleet the same, easier to service, get parts, etc. Commissioner Notbohm stated that in these instances we usually need three bids, but it is rare that we can get them. Commissioner Weber stated that we need to make the effort. Commissioner Notbohm stated that when it comes to upgrading equipment, he knows that the Road Department is in dire need. His problem is in financing and where the money is coming from. He is very supportive of getting the truck, but not with PILT money. Commissioner Weber stated that it is on the agenda to use PILT, but asked if Commissioner Notbohm had any other option for funding. Commissioner Weber stated that based on cuts to Joe's budget, not available there. Another option would be to get an InterCap loan. Commissioner Notbohm stated that he doesn't have any thoughts on this, is really reluctant to use PILT; \$200,000 isn't much for the size of our overall budget, and we have to make it last.

Commissioner Lythgoe stated that we have over \$290,000 in PILT; since he has been here, PILT has always been fairly low for the size of budget that we have. The lowest that we have allowed the PILT fund to get to has been \$300,000. Commissioner Weber stated that it was \$243,000 at one point. Commissioner Lythgoe stated that we don't have a lot of discretionary funds is not new to Jefferson County. We are going to have to ask for a mill levy at some point, and you don't go to the voters for a mill levy when you still have money in the bank. If this were later in the year, there would probably be no question about spending this money. As it is early in the budget year, it is more difficult and he does understand Commissioner Notbohm's hesitation. This is an appropriate use of the money, and a good deal.

Commissioner Lythgoe moved to allocate \$25,500 for the purchase of a snow plow truck from Jefferson County, Colorado from PILT. Commissioner Weber seconded. Commissioner Notbohm stated that he is for this purchase, but he can't vote for it. The motion carried, with Commissioners Weber and Lythgoe voting aye and Commissioner Notbohm voting nay.

OPPORTUNITY FOR PUBLIC COMMENT

Joe Schmaus stated that he is here regarding obstructions on Holmes Gulch Road. He wants it on record that the obstructions are there. He talked to Joe Carter about three months ago regarding this.

Also, he spoke with Derrick Whiting, who indicated that he approached the Commission about installing a second cattle guard, but was denied. This seems like a good fix. There is someone who uses the road daily, and he thinks that this person is probably leaving the gate open, allowing livestock to get out. He and Derrick are willing to work together with the county to get a cattle guard in there. Commissioner Lythgoe stated that he is confused – Derrick installed a cattle guard a few years ago and put a gate off to the side. Joe Schmaus stated that he has mules pastured where his land borders Bomparts', and that is where he wants the other cattle guard; there is a gate there now, but this is being left open. Commissioner Lythgoe stated that he did not get an encroachment permit for the gate. There wasn't even a fence there. Joe stated that it seems that he fenced the county right-of-way into his property. Commissioner Weber asked, just to be sure that we understand, Joe is claiming an obstruction at that point. Joe Schmaus stated that this is correct; the road is gated. He would ask that the county waive the encroachment permit fee, so that he and Derrick can work together to get a cattle guard in.

Joe stated that he talked to Joe Carter about three months ago – Holmes Gulch is fenced down to 18 feet at some points, and there is no place to put snow, etc. This needs to be addressed. He feels that the owner should be made to move both fences out of the county right-of-way. Commissioner Lythgoe stated that the Commissioners have discussed the Donnelly issue in road meetings, and thought that Joe Carter was going to write a letter that there is no obstruction. There should be plenty of room for any equipment that Joe Schmaus would be taking up there. Mr. Schmaus noted that no one is supposed to encroach on the county road.

Mr. Schmaus further stated that he has talked to a large majority of his neighbors on Holmes Gulch, and there is concern that nothing is being done on this road. This portion was not

included in the improvement district. He noted that there is a crusher up there, and he can't see the problem in getting something done on the road. It shouldn't take a lot to get a couple belly

dumps of gravel on the road to be spread out with the grader. He requested that the Commission talk to the contractor. They are all paying an increase on their taxes. He asked why the lower portion was included and not the upper. Commissioner Weber stated that traffic count was the deciding factor – current and projected. Commissioner Notbohm stated that there might not be any gravel left; they are running low, and we still owe Ash Grove 5000 yards. Joe Schmaus stated that anything that they could do would be greatly appreciated.

Commissioner Lythgoe asked how far above Derrick's driveway the cattle guard is located. Joe stated that the cattle guard is actually below his drive. Commissioner Lythgoe stated that the upper gate has been there forever. Commissioner Lythgoe earlier in the discussion mistakenly thought the cattle guard and gate Mr. Whiting installed replaced the gate currently being discussed.

Commissioner Notbohm stated that he thinks that both Commissioners need to go through the inspection again. The house sits on timbers. The reason the roof is sagging is due to age. There are no rain gutters, which allow the rain to get under the house. A house that old is bound to have mildew. There are a lot of things that could get very expensive. Commissioner Weber stated that we will be talking about this on a future agenda. Commissioner Notbohm stated that the inspector was very thorough.

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER